

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Civil Action No. \_\_\_\_\_

WAUNDA FREEMAN, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
FEDEX GROUND PACKAGE SYSTEM, )  
INC. )  
 )  
Defendant. )  
\_\_\_\_\_ )

**DEFENDANT'S ANSWER TO  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

NOW COMES Defendant FedEx Ground Package System, Inc., through counsel, and hereby respond to the Plaintiff's First Amended Complaint as follows:

FIRST DEFENSE

Defendant responds to each consecutive paragraphs of the Amended Complaint as follows:

1. Denied for lack of knowledge or information sufficient to form a belief.
2. It is admitted that Defendant is a Delaware corporation that is authorized to do business in North Carolina, and operates a facility in Mecklenburg County, North Carolina. Except as admitted, the allegations of paragraph 2 are denied.
3. Admitted upon information and belief.
4. Admitted upon information and belief.
5. It is admitted that Defendant maintained certain security procedures and that Defendant required employees of subcontractors to enter its facility through a security entrance. Except as admitted, the remaining allegations are denied.
6. Denied for lack of knowledge or information sufficient to form a belief.
7. Denied for lack of knowledge or information sufficient to form a belief.
8. Denied.
9. It is admitted that any duty owed by Defendant is governed by North Carolina law. The remaining allegations of paragraph 9 are denied.

10. Denied.

11. Denied.

## SECOND DEFENSE

1. If this Defendant was in any way or manner negligent on the occasion in question, which is denied, then this Defendant avers that the Plaintiff was contributorily negligent on the occasion in question and that such negligence was a proximate cause of any damages alleged by the Plaintiff. Such contributory negligence, which rose to the same level, extent and degree of any negligence of the Defendant, if any, is specifically pleaded in bar to any claims for relief alleged by the Plaintiff.

2. Upon information and belief, Plaintiff was negligent on the occasion in question as follows:

- a. She failed to maintain a proper lookout as to where she was walking under the existing conditions;
- b. She failed to exercise due care for her own safety under the existing conditions, including the use of an alternate route to the office; and
- c. She was otherwise negligent as may be shown through discovery and at trial.

WHEREFORE, Defendant, having fully answered the Amended Complaint of the Plaintiff, and having otherwise pleaded, prays:

1. That Plaintiff have and recover nothing of the Defendant and that the Complaint be dismissed;
2. That the Defendant have and recovers its costs;
3. That all issues of fact be determined by a jury; and
4. That the Defendant have such further relief that the Court may deem just and proper.

This the 9th day of May, 2007.

s/ Ned A. Stiles  
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Ned A. Stiles, Esq., N.C. State Bar No. 8997

s/ Sarah B. Crotts

Sarah B. Crotts, Esq., N.C. State Bar No.: 34225

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### **CERTIFICATE OF SERVICE**

I, Ned A. Stiles, do hereby certify that the foregoing *Answer* was served electronically upon all counsel of record.

This the 9th day of May, 2007.

s/ Ned A. Stiles

Ned A. Stiles, Esq., N.C. State Bar No. 8997

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Package System, Inc.

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